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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,895	09/24/2003	Theodore J. Ciamillo	141620.00002	5989

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EXAMINER

SY, MARIANO ONG

ART UNIT PAPER NUMBER

3683

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,895

Applicant(s)

CIAMILLO, THEODORE J.

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The disclosure is objected to because of the following informalities:

page 5, line 19 "cam lever 40" should be --cam lever 52--,

page 6, line 16 "quick release latch pin 38" should be --secondary pin portion 38--,

page 7, line 1 "cable 50" should be --cable 80--,

page 7, line 4 "brake pads 90, 92" should be --brake pads 86, 88--,

page 7, line 7 "cable 12" should be --cable 80--,

page 7, line 7 "cam lever 40" should be --cam lever 52--.

Appropriate correction is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

3. Claims 1, 5, 6, and 11-13 are objected to because of the following informalities:

Claim 1, line 7; claim 5, line 24; claim 11, line 25, claim 12, line 28

"and," should be --and--,

Claim 6, line 2 "comprising" should be --comprising: --,

Claim 11, line 26 "comprising" should be --comprising: --,

Claim 12, line 6 "comprising," should be --comprising: --,

Claim 13, line 2 "comprising" should be --comprising: --.

Appropriate correction is required.

Drawings

4. The drawings are objected to because they fail to show the detail elements as disclosed in the specification that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

(A). The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "middle portion 36" page 5, lines 16-17; "bore 60, page 6, line 8; "head 70" page 6, line 12; and "lever 90" page 7, line 12. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

(B). The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "92" and "28" in fig. 3 and 4 have both been used to designate housing. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled

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"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

(C). The drawings are objected to under 37 CFR 1.83(a) because they fail to show "a means for attachment of the brake 10 to a fork of a bicycle or other wheeled vehicle" on page 5, lines 8 and 9 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said wheel" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshigai (U.S. Patent Number 3,628,635).

Re-claims 1-4 Yoshigai disclosed, as shown in fig. 1-3, a cam assisted wheel brake for use with a bicycle comprising: a first arm 6; a second arm 1; a screw 11 for providing a pivot point for said first and second arms and also for providing an attachment mechanism for attachment to a fork of said bicycle; a cam lever 16 having a lobe attached to said first arm by a brake cable 4; a spring 12 for providing an opposing force to said cable and which can open said brake; a brake pad 7 associated with said first arm and a brake pad 2 associated with said second arm; wherein said first and second arms are pivotably movable from an open to a closed position so as to engage a wheel when said lever is actuated.

9. Claims 5-17 are objected to but would be allowable if amended to overcome the informalities as recited on page 2, paragraph 3.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

K. Altenburger (U.S. Patent Number 3,314,504) disclosed a rim brake.

Ohtani et al. (U.S. Patent Number 4,064,972) disclosed a caliper brake for bicycle.

Yoshigai (U.S. Patent Number 4,482,033) disclosed a caliper brake of side-pull type.

Ozaki (U.S. Patent Number 4,667,778) disclosed a bicycle caliper brake assembly.

Nagano (U.S. Patent Number 4,852,698) disclosed a side-pull type caliper brake.

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Modolo (U.S. Patent Number 5,188,200) disclosed a device for obtaining operating symmetry of a bicycle brake.

Romano (U.S. Patent Number 5,425,434) disclosed a bicycle brake with two pivot pins.

Yoshikawa (U.S. Patent Number 5,464,074) disclosed a differential spring-back action between bicycle brake arms.

Ota et al. (U.S. Patent Number 5,819,880) disclosed a bicycle brake shoe holder.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427.

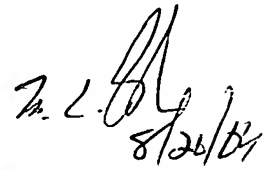
The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

August 23, 2004


8/26/04
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310